



NATIONAL SECURITY AGENCY
CENTRAL SECURITY SERVICE
FORT GEORGE G. MEADE, MARYLAND 20755

85-0005/2

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MEMORANDUM FOR THE CHIEF, LEGISLATIVE DIVISION, OFFICE OF
LEGISLATIVE LIAISON, CENTRAL INTELLIGENCE AGENCY

SUBJECT: Draft Fiscal Year 1986 Intelligence
Authorization Bill

1. This responds to your memorandum of 2 January 1985, same subject, which requested comments on the draft bill. The National Security Agency supports the bill with two recommended additions:

Title V -- Support for Defense Intelligence Activities -- should be amended to permit the Director, NSA, by designation of the Secretary of Defense, to exercise the authority this section confers on the Secretary of Defense and the Secretaries of Military Departments. This could be achieved by amending new section 391(b) as follows:

Insert "or a director of a Department of Defense agency designated by him," after "Secretary of Defense" and before "or the Secretary of a Military Department...." NSA expects that a counterpart provision of a substitute for your title V being drafted by the Department of Defense will be so worded as to include the Director of NSA as an official eligible to be a designee of the Secretary of Defense authorized to approve intelligence support activities under this bill.

2. NSA supports section 405 -- Eligibility for Appointment to or Retention of Agency Service. For the reasons cited in your sectional analysis, NSA has the same need to emphasize that our Agency can continue to use our authorities to deal with security problems in the area of drug and alcohol abuse without regard to the provisions of any other law. To achieve this, we request that you redesignate section 405 as drafted as section 405(a) and add a new subsection (b) as follows:

"(b) The National Security Agency Act of 1959 (50 U.S.C. §402 note) is amended --

1) by redesignating section 2 as section 2(a)
and

2) by adding at the end thereof the following
new subsection:

"b) The Secretary of Defense (or his designee for the purpose) may, in his discretion, on the grounds of prior or current alcohol or drug abuse, deny to or remove from any

individual access to classified information, refuse to hire any applicant for Agency employment, and terminate, suspend, or place limitations or conditions on the continued employment of any Agency employee, notwithstanding any other provisions of law."

3. Finally, NSA supports the applicability and scope of section 404 -- Remedy for Actions Arising Out of Security Investigations -- as a necessary protection for intelligence employees who must make difficult determinations relating to security.

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Legislative and Regulatory Counsel

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